

Reporting Requirements Regarding Sexual Conduct with Students

Sexual conduct directed toward a student by CESD employees as defined by Oregon law is prohibited. All CESD employees are subject to this policy.

“Sexual conduct” as defined by Oregon law is any verbal or physical conduct by a school employee that is sexual in nature; directed toward a student; unreasonably interferes with a student’s educational performance; and creates an intimidating, hostile or offensive educational environment. The definition for sexual conduct does not include behavior that would be considered abuse of a child as outlined by Oregon law and CESD Board policy JHFE and JHFE-AR - Reporting of Suspected Abuse of a Child.

Any CESD employee who has reasonable cause to believe that another CESD employee has engaged in sexual conduct with a student must immediately notify his/her immediate supervisor.

When CESD receives a report of suspected sexual conduct by a CESD employee, CESD may decide to place the employee on paid administrative leave or in a position that does not involve direct, unsupervised contact with students while conducting an investigation. An investigation is a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the complainant, witnesses, the CESD employee or student who is the subject of the report. If the subject of the report is a CESD employee, the investigation must meet any negotiated standards of an employment contract or agreement.

If, following the investigation, the report is substantiated, CESD will inform the employee that the report has been substantiated and provide information regarding the appeal process. The employee may appeal CESD’s decision through the appeal process provided by the CESD’s appropriate collective bargaining agreements. Administrative, management, or confidential personnel may appeal to the Superintendent. A substantiated report is one that: a) an educational provider has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and b) involves conduct that the educational provider determines is sufficiently serious to be documented in the employee’s personnel file.

If the employee decides not to appeal the determination or if the determination is sustained after an appeal, a record of the substantiated report will be placed in the employee’s personnel file. The employee will be notified that this information may be disclosed to a potential employer.

CESD will post the employee handbook the name and contact information of the person designated to receive sexual conduct reports, as well as the procedures the Superintendent will follow upon receipt of a report. When the Superintendent takes action on the report, the person who initiated the report must be notified.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the complainant. If a student initiates a report of suspected sexual conduct by a CESD employee in good faith, the student will not be disciplined by the Board or any CESD employee.

CESD will provide annual training to CESD employees, parents and students regarding the prevention and identification of prohibited sexual conduct. CESD will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and a description of records subject to disclosure if a sexual conduct report is substantiated.

CESD shall follow hiring and reporting procedures as outlined in ORS 339.374 for all CESD employees.

END OF POLICY

Legal Reference(s):

[ORS 339.370 to-339.400](#)
[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.045](#)

HB 4016 (2012)

Cross Reference(s):

GCAB - Personal Communication Devices and Social Media - Staff
JHFE - Reporting of Suspected Child Abuse